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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,929	02/16/2001	Srihari Kumar	P3961	4318
24739 7590 11/13/2009 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
EXAMINER GREENE, DANIEL LAWSON				
ART UNIT 3694		PAPER NUMBER		
NOTIFICATION DATE 11/13/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/785,929

Applicant(s)

KUMAR ET AL.

Examiner

DANIEL L. GREENE JR.

Art Unit

3694

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicants communications received 8/18/2009 have been considered and entered.

Claims 13 and 15-23 are pending

Response to Amendment

2. Applicant's amendment to claim 13 has obviated the contention set forth in section 3 of the previous Office action mailed 6/9/2009.

Response to Arguments

3. Applicant's arguments filed 8/18/2009, regarding the 35 USC 103 rejection set forth in section 10 of the previous Office action mailed 6/9/2009 have been fully considered but they are not persuasive. Accordingly, said rejection is sustained as set forth and explained further below.

Applicant argues on page 6:

"... Schrader has nothing to do with applicant's argument stating that the art of Schrader fails to teach bill pay software enabling the user to access an interactive interface where the user may view and pay selected itemized bills, as claimed. Bills are not presented in a window provided by Schrader's software, only payment options to vendors. Schrader merely teaches a system for registering vendors to be paid electronically using a single financial account. The actual limitation of "interactive interface where the user may view and pay selected itemized bills" is not part of the Schrader teaching. A user may personally navigate to a vendor site and view a bill to be paid, but that is the extent of Schrader's teaching. Schrader specifically teaches that "Once the accounts have been registered, the user may create transactions in these accounts."

Response:

- A. Schrader clearly discloses an interactive interface where the user may pay selected bills in, for example, the abstract

“The software product and system **supports online bill payment**, electronic funds transfer, and checkbook transactions, without requiring navigation through multiple, separate user interfaces for different modules of the product.” (Emphasis added)

Figure 1 item 105, Figure 4, Column 1, line 62 to Col. 2 line 26, (see the portion reproduced immediately below), etc.:

e From the user's perspective, this banking activity is
g clearly an integrated one, since the user must integrate three
g 20 tasks—writing checks to pay other bills, obtaining cleared
f transactions and current balance from the bank, and deter-
r mining a combined current balance based on this
:- information—before writing the credit card bill.
Accordingly, there is a need to provide an online banking
g 25 software product and system that supports the integration of
:- these tasks and their underlying information components.

- B. Schrader, clearly teaches viewing an itemized bill in, for example, Figure 6,

“FIG. 6 is an illustration of a user interface for an online banking software product for downloading account data.”

See also, for example, Col. 5 lines 21-35 (reproduced immediately below)

“The need for easy-to-use and efficient online banking software products and systems becomes even more pronounced when considering that different users have different needs, expectations, and abilities. Research has shown that there are two types of users of financial software products: Organizers and Transactors. **Organizers specifically intend to use their financial software products to organize, categorize, and track their finances with precision and detailed accuracy.** For these types of users, conventional software products that provide the ability to

categorize transactions, produce complex reports of income and expenses, and the like are seen as useful tools. "(Emphasis added)

4. Applicant's arguments filed 8/18/2009, regarding the 35 USC 102 rejection set forth in section 9 of the previous Office action mailed 6/9/2009 have been fully considered but they are not persuasive.

Applicant argues on page 9:

"Applicant herein argues that the art of Remington fails to teach applicant's limitation including "a second Internet site accessible to the first Internet site, the second Internet site providing automated navigation to billing sources subscribed to by the user, following pre- programmed instructions provided by the user, collecting itemized bills and bill related data, and providing same to the first server node." There is no navigation facility in Remington. The portion of Remington relied upon by the Examiner (Fig. 11, col. 16) teaches an intermediary server providing a "staging site" where billers can post their bills and a user can access the intermediary site to see the bills and pay them."

Response:

The Examiner has cited particular columns and line numbers in the references as applied to the claim(s) as nearly as practicable. Although the specified citations are representative of the teachings in the art as applied to the specific limitations within the individual claim(s), other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing any responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner. See MPEP 2260 [R-5], and 37 CFR 1.104(c)(2)

"In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that

claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified"

The pertinence of the Remington reference is readily apparent, because, for example, Remington is directed towards an "Electronic Bill presentment and Payment system." Accordingly the ENTIRE reference is pertinent to applicant's claimed invention. Remington clearly teaches that it is know for See for example, Col. 15, lines 57+, reproduced immediately below:

"The FIG. 4 implementation is beneficial in that the bill presentment and payment process is conducted entirely electronically. Paper bills, conventional mail services, and envelop opening and encoding tacks are completely eliminated. Another benefit is that the biller customizes the type and format of remittance information that it wants returned rather than conforming to a foreign format dictated by a bank, network, or other third party. This enables the biller to integrate the payment remittance and presentment software with its existing accounting software with minimal cost or interruption." (Emphasis added)

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

6. **Claims 13 and 15-23 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent 6,070,150 to Remington et al. (Remington).**

See the discussion set forth in section 4 above.

Claim Rejections - 35 USC § 103

7. Claims 13 and 15-23 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent 5,903,881 to Schrader et al. (Schrader) in view of MPEP section 2144.04 for the reasons set forth in section 10 of the previous office action mailed 6/9/2009, which in turn refers back to section 8 of the previous office action mailed 2/11/2008.

See the discussion set forth in section 3 above.

8. Claims 13 and 15-23 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent 6,070,150 to Remington et al. (Remington) in view of MPEP section 2144.04.

Remington discloses applicant's invention as explained in section 9 of the previous Office action mailed 6/9/2009.

It appears applicant is of the opinion that Remington fails to disclose "a second Internet site accessible to the first Internet site, the second Internet site providing automated navigation to billing sources subscribed to by the user, following pre-programmed instructions provided by the user, collecting itemized bills and bill related data, and providing same to the first server node."

Although the Examiner considers Remington to disclose these limitations as explained in section 4 above, resort may be had to MPEP 2144.04.VI.B. and C. REVERSAL, DUPLICATION, OR REAR-RANGEMENT OF PARTS to show that there is no novelty in merely rearranging which part of the system stores or accesses the billing information. The fact remains Remington clearly teaches itemized bills being presented and paid through an online electronic system.

B. Duplication of Parts

In re Harza, 124 USPQ 378 (CCPA 1960)

“Mere duplication of parts has no patentable significance unless new and unexpected result is produced”

C. Rearrangement of Parts

In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)

(Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.);

In re Kuhle, 526 F.2d 553, 188 USPQ7 (CCPA 1975)

(the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice). However, “The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant’s specification, to make the necessary changes in the reference device.” Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter.1984)

In re Dulberg, 129 USPQ 348, (CCPA 1961)

“It has been held that constructing a formerly integral structure in various elements involves only routine skill in the art “

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Remington to include "a second Internet site accessible to the first Internet site, the second Internet site providing automated navigation to

billing sources subscribed to by the user, following pre-programmed instructions provided by the user (e.g. login name and password), collecting itemized bills and bill related data, and providing same to the first server node.” for the benefits of, for example, having faster access to information as the user can be using a separate module of the system while the information is being collected by another application. Further, as cited above, it is routine for one of ordinary skill in the art would to construct a formerly integral structure (i.e. ANY physical part, method step or process of paying bills set forth in Remington) in various elements as NO NEW AND UNEXPECTED result is produced.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. Both U.S. Patent 5,465,206 to Hilt et al. and U.S. Patent 5,699,528 to Hogan disclose Electronic Bill Pay systems.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL L. GREENE JR. whose telephone number is (571)272-6876. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L. G./
Examiner, Art Unit 3694
2009-11-08

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694